IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 239(S/S) 2007

1. Beer Singh Negi S/o late Sri Kalam Singh Negi,
   Posted at Irrigation 1st New Tehri,
   Resident of village & P.O. Pangarkhal,
   District Tehri Garhwal,
2 Uttam Singh Rana S/o late Sri Prem Singh Rana,
   Posted at Anusandhan Avem Niyozan Khand,
   Purnvash Pashulok Rishikesh,
   Resident of Colony Dobra Purnvash Shyampur,
   District Dehradun. .....Petitioners.

Versus

1. State of Uttarakhand through Secretary,
   Public Works Department, Govt. of Uttarakhand,
   Dehradun.,
2. Secretary, Finance, Govt. of Uttarakhand, Dehradun,
3. Chief Engineer and Head of the Department,
   Irrigation Division, Yamuna Bhavan, Dehradun,
4. Chief Engineer, Ganga Ghati, Irrigation Department,
   Dehradun,
5. Executive Engineer, Irrigation 1st New Tehri,
6. Executive Engineer, Anusandhan Avam Niyozan Khand,
   Purnvash Pashulok, Rishikesh. .....Respondents.

Sri Tanuj Semwal, learned counsel for the petitioners,
Sri Harendra Belwal, learned Standing Counsel for State of Uttarakhand/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Tanuj Semwal, learned counsel for the petitioners, and Sri Harendra Belwal, learned Standing Counsel for State of Uttarakhand/ respondents.

By means of this writ petition, the petitioners have prayed for the following reliefs:-

i. Issue a writ, order of direction in the nature of certiorari quashing the impugned notification dated 26.08.1999 and 01.02.2001 as contained in annexure no. 1 & 2.

ii. Issue a writ, order or direction in the nature of mandamus commanding to the respondents to pay to the petitioners their salary ignoring the ceiling imposed by the respondents on the same norms and basis on which the regularly situated employees are getting the salary and other benefits,

iii. Issue any other appropriate writ, order or direction that the Court deem fit and proper in the circumstances of the case,

iv. Award the writ petition with cost.

Submission of the learned counsel for the petitioners is that the petitioners are working with the respondents' Department on the post of Beldar. The State Govt. has issued an order dated 26.08.1999 by which ceiling has been impose on the salary of work-charge employees and pursuant to the said Govt. Order, the respondent no. 2 vide letter dated 01.02.2001 has fixed ceiling upon the salaries of the petitioners. It is submitted that raising all their grievances the petitioners have already moved representation before respondent nos. 5 & 6 and the same are still pending before them. The representations are annexed as annexure no. 4 to the writ petition.

During the course of arguments, learned counsel for the petitioners has submitted that the respondent nos. 5 & 6 may be directed to take decision on the representations of the petitioners within the period prescribed by this Court.

The prayer is innocuous.

Accordingly, I direct the respondent nos. 5 & 6 to take decision on the representations of the petitioner dated 09.03.2007, 12.03.2007 contained as annexure no. 4 to the writ petition, within a period of one month from the date of production of a certified copy of this order.

With these directions, the writ petition in finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

March 22, 2007:
NCM: